IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 11075 of 2004

Between:
Gandikota Guravaiah S/o Guravaiah
Pathadevaraya Palli (Village) Anantha Sagaram Mandal,
Nellore District

..... PETITIONER

AND

1 The District collector and Magistrate, Nellore District at Nellore.
2 The Mandal Revenue Officer, Anantha Sagaram Mandal.
Anantha Sagaram , Nellore District .
3 The Panchayat Secretary, Pathadevaraya Palli Gram Panchayat,
Pathadevaraya Palli (Village & Post) Anantha Sagaram Mandal,
Nellore District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declare the illegal action of the Respondents for not issuing Patta('D' Form) and pass book to the petitioner for an exrent of Ac.2.50 Cent in survey No. 1137 of Pathadevarayapalli Village of Anantha Sagaram Mandal, Nellore District as per the enquiry report dt. 30/01/2002 by quashing the Endorsement No.E12/6058/2003, dt. 15/10/2003 of the Respondent NO.1 by granting stay on dispossession in so far as the extent of Ac. 2.50 cents in survey.No.1137 of Pathadevarayapalli Village of Anantha Sagaram Mandal, Nellore District,

For the Petitioner: MR.M.V.NARASIMHAM, Advocate.

For the Respondent Nos.1 & 2: GP FOR REVENUE

For the third Respondent: Mr.Raghavender Reddy, Advocate.

The Court at the stage of admission made the Following :

THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.11075 OF 2004

ORDER:

This writ petition is filed challenging the action of the respondents in not issuing Patta D-form and pass book to the petitioner for an extent of Ac.2.50 cents in Survey No.1137 of Pathadevarayapalli of Nellore District.

The petitioner claims to be in possession of the subject land and doing cultivation thereon. It is stated that the respondents proposed to construct pakka houses for the poor people of the said village and trying to dispossess him from the subject land. It is also stated that some pakka houses were also constructed in the land adjacent to the subject land and in the remaining land the petitioner is doing cultivation. The petitioner herein bases his claim on the statements made by him and some of villagers on 30-1-2002 in the enquiry alleged to have been conducted by the Mandal Revenue Officer and Sub-Inspector of Police and said to have requested the authorities to grant Patta and Pass Book in his favour over the subject land. While so, first respondent herein issued impugned endorsement No.E/12/6098/03, dated 15.10.2003 stating that the above mentioned land is convenient to the public purpose only and is not fit for cultivation. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for petitioner, learned Government Pleader for Revenue and Mr. Raghavender Reddy for third respondent.

Learned Government Pleader on instructions submitted that already certain houses were constructed in the said area and the petitioner is not in possession of the subject land. It is further submitted the Mandal Revenue Officer has conducted an enquiry and found that there is no evidence to prove the possession of the petitioner over the subject land and that the same is adjacent to B.C. colony and is useful for construction of residential houses and the District Collector considering the said report of the Mandal Revenue Officer has passed the impugned order, which cannot be said as illegal.

The Mandal Revenue Officer after enquiry found that the writ petitioner is not in possession of the land, as such, there is no vested right to the writ petitioner to claim assignment of the said land.

For the foregoing reasons, the writ petition fails and the same is dismissed. No costs.

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N.V.RAMANA,J

02-7-2004
MDAA/TVK

Copy to:

1 The District collector and Magistrate, Nellore District at Nellore.

2 The Mandal Revenue Officer, Anantha Sagaram Mandal.
Anantha Sagarm , Nellore District .
3 The Panchayat Secretary, Pathadevaraya Palli Gram Panchayat,
Pathadevaraya Palli (Village & Post) Anantha Sagaram Mandal,
Nellore District
4. Two C.Cs.for G.P. for Revenue, High Court Building,
High Court of A.P., Hyderabad.(OUT)
5. Two C.D.Copies.